

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION

Call to Order: By **CHAIRMAN RIC HOLDEN**, on March 9, 2001 at 3:00 P.M., in Room 422, Capitol.

ROLL CALL

Members Present:

Sen. Ric Holden, Chairman (R)
Sen. Pete Ekegren, Vice Chairman (R)
Sen. Greg Jergeson (D)
Sen. Walter McNutt (R)
Sen. Arnie Mohl (R)
Sen. Linda Nelson (D)
Sen. Gerald Pease (D)
Sen. Corey Stapleton (R)
Sen. Tom Zook (R)

Members Excused: Sen. Mike Halligan (D)
Sen. Jon Tester (D)

Members Absent: None.

Staff Present: Laramie Cumley, Committee Secretary
Doug Sternberg, Legislative Services

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HJ 6 3/1/01
Executive Action: none

HEARING ON HJ 6

Sponsor: REP. BUTCH WADDILL, HD 62, FLORENCE

Proponents:

Scott Settle, Settle Ranch Company
Art Loendorf, Montana Farmers Union

Nancy Matheson, Alternative Energy Resource Association
Dena Hoff, Chair, Northern Plains Resource Council
Dan Dutton, Representing himself
Robert Boettcher, Representing himself
Jim Barngrover, Representing himself
Betty Whiting, Montana Association of Churches
Lauran Dundee, Northern Plains Resource Council

Opponents:

John Semple, Montana Grain Growers Association
Pam Langley, Montana Agriculture Business, and Montana Grain Elevator Association
Dan Biggerstaff, Western Plant Breeders, and Montana Seed Growers
Lorna Karn, Montana Farm Bureau Federation
Carol Lambert, Women Involved in Farm Economics

Opening Statement by Sponsor:

REP BUTCH WADDILL, HD, 62, FLORENCE, presented a proposed amendment to the bill, **EXHIBIT(ags54a01)** pictures of a field in which genetically modified canola has become a noxious weed and **EXHIBIT(ags54a02)** an article from a magazine entitled the Technology Review. **EXHIBIT(ags54a03)**

Proponents' Testimony:

Scott Settle presented a diagram of genetically modified organisms. He went further to explain alternative plant breeding by inserting genes to create a genetically modified organism and the possible irreversibility effects on humans if inserted into food. **EXHIBIT(ags54a04)**

Art Loendorf presented written testimony. **EXHIBIT(ags54a05)**

Nancy Matheson presented written testimony **EXHIBIT(ags54a06)** and an editorial from the Washington Post. **EXHIBIT(ags54a07)**

Dena Hoff presented written testimony **EXHIBIT(ags54a08)** and a fax from Julian Watson. **EXHIBIT(ags54a09)**

Dan Dutton presented written testimony. **EXHIBIT(ags54a10)**

Robert Boettcher stated that the long term affects of genetically modified organisms need to be addressed and Montana's reputation for the best wheat in the United States needs to be protected. He

presented a newspaper article to the committee entitled "Montana Wheat Ranked Best". **EXHIBIT(ags54a11)**

Jim Barngrover presented written testimony. **EXHIBIT(ags54a12)**

Betty Whiting stated concerns with the issue and explained that changing one gene may change everything. She quoted a section from the book of Genesis in the Bible. She also stated that if a genetically modified product were found to be safe for human consumption and produced a better yield for farmers it would be supported, but not without a study.

Lauran Dundee expressed support for the study of GMO's because she feels that it would be easy. She noted concerns regarding technology agreements with companies such as Monsanto because they do not assign liability to the companies. She suggested a cautious and conservative approach to the issue.

Opponents' Testimony:

John Semple presented written testimony. **EXHIBIT(ags54a13)**

Pam Langley presented written testimony. **EXHIBIT(ags54a14)**

Dan Biggerstaff stated there are far more benefits than risks associated with GMO's. He said Montana has the best feed barley and this track record would not intentionally be jeopardized. He stated that these products are inspected and approved by the FDA, USDA, as well as other administrations before introduction to the public market. He noted that because every organization is required to approve these products, they are proven to be safe and there is no need for a study of GMO's on a state level. **Mr. Biggerstaff** explained that from a scientific standpoint he feels that testimony from the proponents was out-of-date, represented poor education of the facts in the situation, and was used as a "scare tactic".

Lorna Karn stated this study, as described in the bill, will not provide the state with unbiased and scientifically based evaluations concerning human and animal safety and wholesomeness, as well as the environmental impacts of biotechnology enhanced commodities. She said the study should be done at Montana State University.

Carol Lambert stated this study, as written, would be a waste of Government and an unscientific study, would be an infringement on private property rights. The study should be more scientific.

Questions from Committee Members and Responses:

SEN. RIC HOLDEN questioned the market pressures refereed to in the bill and the impacts on countries she had visited. He also asked **Mrs. Hoff** if she could share the outcome of the research which would explain what impacts foreign countries had suffered from GMO crops causing social problems and pressures associated with debt.

Dena Hoff stated very few companies control seed and saving seed becomes a criminal act. Extra money is required in order to purchase more seed. Certain chemicals are required to be used on crops. Seeds that overseas farmers are receiving are not meant to be grown in their climates and they do not germinate well. They go into debt because of this. There is a lot of suicides by drinking the pesticides they would use on these genetically engineered crops, as well as selling their kidneys to finance their debts. She stated that the point is, there are very few corporations that control the seed. It is not easily purchased, and seeds cannot be saved from year to year. it is a matter of control.

SEN. HOLDEN asked **Mrs. Hoff** if she thought Montanans would cut their kidneys out, drink pesticides, and commit suicide because of the seed they grow.

Dena Hoff said, "well, any time that you have the control of the seeds in the hands of a very tiny minority, it definitely limits our options. I'm sorry that I didn't bring my big pile of newspaper clippings from India, you could have seen first hand, the facts from the newspapers in India that I brought home from India when I was there. But, I do have those at home and I can show those to you if you would like."

SEN. HOLDEN clarified her thoughts of if Montana were to travel down this route of growing these kinds of seeds, an increase of stress would be seen in farmers here that would lead to these horrific disasters in the way of human life.

Dena Hoff also said, "well Mr. Chairman, if you would like to have fewer choices of what to plant on your farm, I'm sure it would be stressful to you if you could pick maybe two varieties of grain and you had to pay so much an acre extra and you had to buy the chemical from the same company that sold you the seed and you had to sell every ounce of your seed back to the same company and had no options about where to sell it, it might be stressful for you too.

SEN. HOLDEN asked **Mr. Biggerstaff** to address the important statements brought forth from the supporters of the bill regarding the seed he is helping to develop.

Mr. Biggerstaff stated that he has never seen a seed company order anyone to plant their material. He stated he had never seen anyone hold a gun to anybody's head and say you must plant that crop. People enter into contracts if they feel it would be beneficial to them, then agree to the seed companies contract, which says that seed cannot be sold to neighbors or kept.

SEN. HOLDEN asked if it were true that farmers have become captive because there are only a few seed companies to buy seed from.

Mr. Biggerstaff stated that if a seed company becomes greedy, then a farmer can simply go to another seed company. There is no restriction on what you can plant.

SEN. WALT MCNUTT asked how many GMO acres have been planted in Montana for commercial sale. **Mr. Biggerstaff** stated he did not know the answer, although genetically modified grain is less than one acre.

SEN. LINDA NELSON questioned the reasoning of an interim committee to handle this study, although they would have no experience in agriculture. Could this be taken on by MSU. **REP. WADDILL** stated he thought MSU could not compile all of the information, such as market analysis, from other states.

SEN. MCNUTT asked how legal implications would be studied by an interim committee and resolved. **REP. WADDILL** said it would not be able to be resolved, but data could be compiled to present to the Legislature at a later date.

SEN. MCNUTT asked what other product has had a study of liability. **REP. WADDILL** stated that he was unsure, and he didn't believe there was anything.

SEN. GREG JERGESON questioned the capacity of an interim committee to engage in a scientific study. **Pam Langley** stated a study based on science would be difficult for an interim committee.

SEN. JERGESON asked what issues a legislative interim committee could address. **Pam Langley** stated that an interim committee could address market issues, although some of the data cannot be collected or properly studied because genetically modified wheat has not been on the market.

SEN. JERGESON asked if there were contracts with Monsanto and a producer for planting GMO Canola. **Pam Langley** said yes, she did believe there were contracts with Monsanto.

SEN. JERGESON questioned if these contracts would indicate legal responsibilities and rights of both parties. **Pam Langley** noted that the contracts could be different for genetically modified wheat.

SEN. JERGESON questioned **Ms. Lambert's** testimony regarding the danger to private property rights if a study was performed by a Legislative committee. **Carol Lambert** stated that in the W.I.F.E policy, an unscientific study would be a danger to private property rights.

Ms. Lambert presented a letter to the Committee, which corrected her statement and explained the correct W.I.F.E policy regarding the issue. **EXHIBIT (ags54a15)** The letter was presented on 3/12/01.

SEN. JERGESON asked what the danger would be. **Carol Lambert** said anyone can plant what they choose to.

SEN. JERGESON asked if W.I.F.E would support him if he were to plant ST. John's Wort on his property because it would be an economic opportunity to maximize the value of his property. **Carol Lambert** stated although it is illegal, this decision would be supported.

Closing by Sponsor:

REP. WADDILL closed on House Joint Resolution 6. He noted that there was nothing to lose with only a study. This is to study concerns that would possibly impact Montana farmers. He also stated **SEN. BOHLINGER** would carry this bill on the Senate floor.

ADJOURNMENT

Adjournment: 5:00 P.M.

SEN. RIC HOLDEN, Chairman

LARAMIE CUMLEY, Secretary

RH/LC

EXHIBIT (ags54aad)